

1 Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnmanuel.com
2 QUINN EMANUEL URQUHART &
SULLIVAN LLP
3 51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
4 Facsimile: (212) 849-7100

5 Sean S. Pak (SBN 219032)
seanpak@quinnmanuel.com
6 Amy H. Candido (SBN 237829)
amycandido@quinnmanuel.com
7 John M. Neukom (SBN 275887)
johnneukom@quinnmanuel.com.
8 QUINN EMANUEL URQUHART &
SULLIVAN LLP
9 50 California Street, 22nd Floor
San Francisco, CA 94111
10 Telephone: (415) 875-6600
Facsimile: (415) 875-6700

11 Mark Tung (SBN 245782)
marktung@quinnmanuel.com
12 QUINN EMANUEL URQUHART &
SULLIVAN LLP
13 555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
14 Telephone: (650) 801-5000
Facsimile: (650) 801-5100

15 *Attorneys for Plaintiff Cisco Systems, Inc.*

16 Steven Cherny (*admitted pro hac vice*)
steven.cherny@kirkland.com
17 KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

18 Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
19 KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

20 Michael W. De Vries (SBN 211001)
michael.devries@kirkland.com
21 KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

22 **UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

24 CISCO SYSTEMS, INC.,

25 Plaintiff,

26 vs.

27 ARISTA NETWORKS, INC.,

28 Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S
OPPOSITION TO ARISTA'S
CORRECTED MOTION TO STRIKE
EXPERT OPINIONS AND TESTIMONY
OF DR. KEVIN C. ALMEROOTH**

Judge: Hon. Beth Labson Freeman

29 02099-00004/8269911.1

1

2 Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings
 3 this administrative motion for an order to seal certain information filed in connection with Cisco’s
 4 Opposition to Arista Networks, Inc.’s (“Arista”) Corrected Motion to Strike Expert Opinions and
 5 Testimony of Dr. Kevin C. Almeroth.

6

I. LEGAL STANDARD

7 In the context of non-dispositive motions, materials may be sealed so long as the party
 8 seeking sealing makes a “particularized showing” under the “good cause” standard of Federal
 9 Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th
 10 Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir.
 11 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that
 12 the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled
 13 to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The
 14 sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

15

II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL

16 Cisco makes this request to seal the documents identified herein for the reasons explained
 17 in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File
 18 Under Seal (“Jenkins Declaration”). Although Cisco does not claim confidentiality in any of the
 19 documents specified below, Cisco files this motion to seal to provide Arista with the opportunity
 20 to file a declaration pursuant to Civil Local Rule 79-5(e) to support the sealing of these documents
 21 as they contain, or refer to, information that Arista designated as confidential under the protective
 22 order.

23

II. DOCUMENTS SOUGHT TO BE SEALED

24 The documents, and portions of documents, that Cisco seeks to seal through this motion
 25 are included in the chart below:

26

27

28

| Document | Portions to Be Filed Under Seal | Party With Claim of Confidentiality |
|---|---------------------------------|-------------------------------------|
| Cisco's Opposition to Arista's Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth. | Highlighted Portions | Arista |
| Exhibit 1 to the Declaration of John M. Neukom in Support of Cisco's Opposition to Arista's Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth. ("Neukom Declaration") | Entire | Arista |
| Exhibit 2 to the Neukom Declaration | Entire | Arista |
| Exhibit 3 to the Neukom Declaration | Entire | Arista |

20 | August 19, 2016

Respectfully submitted,

/s/ John M. Neukom
John M. Neukom

Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnmanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

1 Sean S. Pak (SBN 219032)
2 seanpak@quinnmanuel.com
3 Amy H. Candido (SBN 237829)
4 amycandido@quinnmanuel.com
5 John M. Neukom (SBN 275887)
6 johnneukom@quinnmanuel.com.
7 QUINN EMANUEL URQUHART &
8 SULLIVAN LLP
9 50 California Street, 22nd Floor
10 San Francisco, CA 94111
11 Telephone: (415) 875-6600
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8 marktung@quinnmanuel.com
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11 555 Twin Dolphin Drive, 5th Floor
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Telephone: (650) 801-5000
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13 KIRKLAND & ELLIS LLP
601 Lexington Avenue
14 New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

16 Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
17 KIRKLAND & ELLIS LLP
555 California Street
18 San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

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michael.devries@kirkland.com
21 KIRKLAND & ELLIS LLP
333 South Hope Street
22 Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

24 *Attorneys for Plaintiff Cisco Systems, Inc.*